



United States Department of the Interior

OFFICE OF THE ASSISTANT SECRETARY
POLICY, MANAGEMENT AND BUDGET
Washington, DC 20240



MAR 22 2006

Memorandum

To: Assistant Secretaries
Heads of Bureaus and Offices

From: R. Thomas Weimer *R. Thomas Weimer*
Assistant Secretary

Subject: Reporting under the Underground Storage Tank Compliance Act of 2005
(ER 06/178) (Due date: June 30, 2006)

On August 8, 2005, President Bush signed the Energy Policy Act of 2005, that amended Subtitle I of the Resource Conservation Recovery Act into a new Title XV, Subtitle B, "Underground Storage Tank Compliance Act of 2005 (USTCA)." Under USTCA, Congress requires that the Department of the Interior and all other Federal agencies track and report information about:

- (1) Underground Storage Tanks (USTs) they own and/or operate; and
- (2) USTs that are not federally owned or operated but are located on Federal lands.

The emphasis for this report are federally regulated USTs owned, operated or located on Federal lands. The Environmental Protection Agency (EPA) reporting request and guidelines are attached.

The EPA developed a web-based reporting system in the *FedCenter* data system located at <http://www.fedcenter.gov>. Bureaus are requested to use the *FedCenter* data system to report the required data on their USTs. However, if Bureaus have an existing UST database system, they must contact EPA (see attachment) to ensure that all requested data elements specified in the EPA attachment are reported. Bureaus are responsible for their USTs and must maintain required control, monitoring, and quality control/quality assurance. Bureaus must submit their UST data to the *FedCenter* database or to EPA, as well as to the Office of Environmental Policy and Compliance by c.o.b. **June 30, 2006**. DOI will submit a consolidated report to both Congress and EPA.

If you have any questions regarding data entry, please contact either Ms. Melanie Garvey (202) 564-2579, at garvey.melanie@epa.gov or Mr. Steven McNeely (703) 603-7164, at cneely.steven@epa.gov at EPA. For questions on the guidance, please contact Mr. James Ortiz, of Office of Environmental Policy and Compliance at (202) 208-7553 or at james_ortiz@ios.doi.gov.

Attachment

cc: Solicitor
DOI EMS Council
REOs

bc: SOI Exsec , PMB-Mark Oliver



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY RECEIVED

WASHINGTON 20460

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OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Federal Agency Environmental Executive:

As you are aware, Section 9007(b)(1) of Subtitle I, created by the Underground Storage Tank Compliance Act of 2005, requires each Federal agency that owns or operates one or more Underground Storage Tanks (USTs) or manages land on which one or more USTs are located to submit a report about these USTs to the EPA Administrator and Congress by August 8, 2006. To help Federal agencies meet this deadline EPA developed "**Guidance for Underground Storage Tank Compliance Act 2005 Federal Facility Compliance Reporting.**" EPA appreciates all the comments and input received from all the Federal agencies on the document. The guidance provides direction on the type of information Federal agencies should report to address the requirements of Section 9007(b)(1). It is structured to provide direction on reporting to Federal agencies that plan to use the Federal Facility and Lands UST Data System being developed on www.fedcenter.gov (or *FedCenter*). All agencies should follow the format and directions provided in this Guidance even if they decide not to use the data system on *FedCenter*.

Federal agencies which do not have existing UST information management systems capable of fulfilling the requirements of Section 9007(b)(1) are encouraged to use *FedCenter*. We currently anticipate that the database will be ready by February 22, 2006. If you are considering using *FedCenter*, please have your UST workgroup representative send an e-mail to Melanie Garvey so that we can start to set up access for your agency. EPA will provide assistance to your Agency to ensure that the guidance and *FedCenter* meet your needs. During the last week of February, EPA also plans to hold a meeting to provide a tutorial on the *FedCenter* data system. More information on that meeting will be forthcoming.

If you have questions on the guidance or on any issues related to the Act, please contact Melanie Garvey in EPA's Federal Facilities Enforcement Office at 202-564-2579/garvey.melanie@epa.gov or Steven McNeely in EPA's Office of Underground Storage Tanks at 703-603-7164/mcneely.steven@epa.gov.

Sincerely,

Cliff L. Rothenstein, Director
Office of Underground Storage Tanks
Office of Solid Waste and
Emergency Response (5401G)

David J. Kling, Director
Federal Facilities Enforcement Office
Office of Enforcement and
Compliance Assurance (2261A)

Guidance for Underground Storage Tank Compliance Act 2005 Federal Facility Compliance Report Data System

Section 9007(b)(1) of Subtitle I, created by the Underground Storage Tank Compliance Act of 2005 (the Act), requires each covered Federal agency to submit a "compliance strategy report" ("report"). Each report must provide the information described below for USTs that are Federally regulated ("Federally regulated USTs"). The reports are to be submitted to the EPA Administrator and Congress by August 8, 2006. In order to provide each Federal agency adequate time to collect and report on the required information, each Federal agency should complete the data system requirements described in this document with information it has available as of March 31, 2006.

Under the Act, each Federal agency must report information on all Federally regulated USTs owned, operated or located on Federal lands. Therefore, if a tank is owned by one Federal agency and operated by another agency, both Federal agencies are required to report. Similarly, if a tank is on Federal lands of one agency and owned or operated by a different Agency, both agencies are required to report. To facilitate this process and to allow the identification of the same tank being reported by two or more Federal agencies and preclude double counting of tanks, Federal agencies should coordinate reporting to ensure that the same UST identification number is used by each agency reporting for that tank.

Also under the Act, each Federal agency must report certain information on all Federally regulated USTs that it owns or operates or all USTs located on lands that the agency manages. The regulatory definition of UST can be found in 40 CFR § 280.12:

The term "underground storage tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. This term does not include any:

- (a) Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
- (b) Tank used for storing heating oil for consumptive use on the premises where stored;
- (c) Septic tank;
- (d) Pipeline facility (including gathering lines) regulated under:

(1) The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.), or

(2) The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.), or

(3) Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in paragraph (d)(1) or (d)(2) of this definition;

- (e) Surface impoundment, pit, pond, or lagoon;
- (f) Storm-water or wastewater collection system;
- (g) Flow-through process tank;
- (h) Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or
- (i) Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

The term "underground storage tank" or "UST" does not include any pipes connected to any tank which is described in paragraphs (a) through (i) of this definition.

In addition, EPA has exempted or deferred certain types of USTs from Federal UST regulation. EPA has exempted certain USTs from all of the requirements of 40 CFR Part 280. (See 40 CFR 280.10(b)). These exempt tanks would not be considered "Federally regulated USTs" and thus Federal agencies would not have to submit information for the report for these particular USTs.

EPA has also deferred certain USTs from certain requirements (i.e., requirements concerning the design, construction, installation and notification of USTs, Federal operating requirements, release detection requirements, and requirements concerning release reporting, investigation and confirmation). (See 40 CFR 280.10(c)). Finally, EPA has deferred emergency generator tanks from release detection requirements. (See 40 CFR 280.10(d)). EPA recommends that Federal agencies provide information for the report for deferred USTs to the extent that they are regulated under the Federal UST regulations.

All data fields in bold are required by the Act. Fields not in bold are optional but are requested to facilitate better management of the data. For Federally regulated USTs on federal lands that are not owned or operated by the Federal agency, provide information requested in fields 1-8 for each tank.

FOR EACH FEDERALLY REGULATED UNDERGROUND STORAGE TANK REPORTED, PROVIDE:

1. Facility Name: List the generally accepted name of the Federal facility or Federal lands on which the UST is owned or operated by the Federal agency, or on which the UST not owned or operated by the Federal agency is otherwise located.

2. Agency: Identify the Federal agency, bureau or service reporting for the UST. If necessary, designate "other" and place agency name in "narrative" field.

3. Contact: Provide a point of contact for the UST including name, e-mail address, mail address and phone number. Agencies may provide the same point of contact for multiple tanks.

4. UST Identification Information: Identify the UST using an existing unique tank identification number (such as the tank serial number or UST registration number) or using a unique tank identification number assigned by the facility or agency. If the tank is not owned or operated by the facility or agency and is located on Federal lands the agency manages AND a number such as the tank serial number or UST registration number cannot otherwise be found, a unique tank identification number should be assigned to each tank by that agency. Indicate the source of the number being used.

5. UST Location Information: Provide a physical address for the UST including building name or number, street address, City, County, State and Zip+4. Do not provide Postal Box addresses. If providing a physical address of tank location is not reasonable, provide the primary street address of the Federal facility or Federal lands on which the UST is located.

Optional: Enter in the location of the tank(s) using: Latitude Degrees, Latitude Minutes, Latitude Seconds and Longitude Degrees, Longitude Minutes, Longitude Seconds.

6. UST Federal Ownership Information: Select Yes or No to indicate ownership of the UST by agency, bureau or service identified in field number 2 above. If no is chosen, then complete the narrative field which lists the owner(s) of the UST.

7. UST Federal Operator Information: Select Yes or No to indicate operator of the UST by agency, bureau or service identified in field number 2 above. If no is chosen, then complete the narrative field which lists the operator(s) of the UST.

8. UST on Federally Managed Lands: Select Yes or No to indicate a non-Federally owned or operated UST on Federally managed lands. ("Yes" indicates the UST is on Federally managed lands, but is neither owned nor operated by a Federal agency).

If the UST is neither owned nor operated by the agency, bureau or service identified in field number 2 above, fields 9-15 may be left blank.

9. UST Operator Training: Select Yes or No to indicate whether operator training was provided for the operator and other persons having primary daily on-site management responsibility for the operation of the UST. If yes is chosen, indicate all types of training provided: Release Prevention; Release Detection; Release Response and Corrective Action; State Required UST Training; or Other.

Optional: Provide a description or more information on UST operator training provided.

10. Date of Last UST Inspection by Regulator: Enter date (dd/mm/yyyy) of last inspection of the UST and type of regulator who performed last inspection; State, Federal or Local. If the UST has never been inspected, select Never Inspected.

11. Non-compliant Status of UST: Indicate whether the UST was determined to be non-compliant when last inspected based on, at a minimum, written information from the most recent regulatory inspection of the UST. If UST has not been determined to be non-compliant, indicated undetermined. Select Not Applicable only if tank has never been inspected by a regulator.

Optional: Indication of non-compliant UST may be based on other information available to the facility or agency such as agency lead compliance audit. If using this option, ensure response to field 12 is consistent.

If response to field 11 does not indicate non-compliant tank, do not complete fields 12-15.

12. Determination of Non-Compliant UST: Indicate whether non-compliance for the UST was determined by State, Federal or Local Regulator Inspection (Recommended minimum), Internal agency or facility Audit (optional), or Other (optional).

13. UST Violation Information: List all violations for the UST. Fields are provided listing common violation types based on Federal regulations; check all violation types that apply to each tank. Violation types include: UST System Requirements: Design, Construction, Installation and Notification (Subpart B); General Operating Requirements (Subpart C); Release Detection (Subpart D); Release Reporting, Investigation and Confirmation (Subpart E); Release Response and Corrective Action (Subpart F); Out of Service UST Systems and Closure (Subpart G); and Other).

14. Status of UST Violation(s): Indicate current status of actions to address each type of violation identified in field 13 above for the UST including: Corrective Action in Progress; Corrective Action Completed; Corrective Action Completed—waiting on Regulatory Concurrence; Corrective Action Not Started or other. If other, provide explanation in comment section.

15. Status of UST Compliance Strategy: Describe the compliance actions taken or planned for the non-compliant federally owned or operated UST.

16. Comments (Optional): Provide comments as desired on information provided in other fields and any other desired information.

This guidance and any internal procedures adopted for its implementation are intended solely as guidance for Federal agencies. Such guidance and procedures do not constitute rule making by the Agency and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law or in equity, by any person.